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Attorneys for Defendant

BRACCO DIAGNOSTICS INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

CAROL MOORHOUSE and JAMES
MOORHOUSE,

Plaintiffs,

v.

BAYER HEALTHCARE
PHARMACEUTICALS, INC.; BAYER
HEALTHCARE LLC; GENERAL
ELECTRIC COMPANY; GE
HEALTHCARE, INC.; COVIDIEN,
INC.; MALLINCKRODT, INC.;
BRACCO DIAGNOSTICS, INC.;
McKESSON CORPORATION;
MERRY X-RAY CHEMICAL CORP.;
and DOES 1 through 35,

Defendants.

Case No. CV-08-1831 EMC

**STIPULATION OF PLAINTIFFS
AND DEFENDANT BRACCO
DIAGNOSTICS INC. TO EXTEND
DEFENDANT'S TIME TO PLEAD**

STIPULATION OF PLAINTIFFS AND DEFENDANT BRACCO DIAGNOSTICS INC.
TO EXTEND DEFENDANT'S TIME TO PLEAD CV-08-1831 EMC

1 Plaintiffs Carol Moorhouse and James Moorhouse and Defendant Bracco
 2 Diagnostics Inc. ("BDI"), by and through their respective counsel, hereby stipulate
 3 as follows:

4 The time for Defendant BDI to Answer or otherwise respond to the Civil
 5 Complaint shall be extended. Plaintiffs' counsel has informed counsel for BDI that
 6 Plaintiffs intend to file a motion to remand the case to state court. If Plaintiffs do
 7 file such a motion, the time for BDI to Answer or otherwise respond to Plaintiffs'
 8 Civil Complaint shall be extended from April 11, 2008, to one of the following:
 9 (1) BDI's date to Answer or otherwise respond to Plaintiffs' Civil Complaint shall
 10 be determined by any Case Management Orders issued by the Judicial Panel on
 11 Multi District Litigation MDL 1909 Judge Dan A. Polster if this case remains in
 12 federal court; or (2) BDI's date to Answer or otherwise respond to Plaintiffs' Civil
 13 Complaint shall be extended to 15 days after any federal judge enters an order on
 14 the motion to remand if such order remands this case to California state court.
 15 Good cause exists for this continuance as outlined in the accompanying
 16 Declaration of Aggie B. Lee.

17
 18 DATED: APRIL 11, 2008

TUCKER ELLIS & WEST LLP

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 21 By: /s/ Aggie B. Lee
 22 Aggie B. Lee
 Attorneys for Defendant
 BRACCO DIAGNOSTICS INC.

23 DATED: APRIL 11, 2008

LEVIN SIMES KAISER & GORNICK LLP

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 26 By: /s/ Lawrence J. Gornick
 27 Lawrence J. Gornick
 Attorneys for Plaintiffs CAROL
 MOORHOUSE and JAMES
 MOORHOUSE

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____,2008

The Honorable Edward M. Chen
United States Magistrate Judge

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Attorneys for Defendant
BRACCO DIAGNOSTICS INC.

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McKESSON CORPORATION;
MERRY X-RAY CHEMICAL CORP.;
and DOES 1 through 35,

Defendants.

Case No. CV-08-1831 EMC

**DECLARATION OF AGGIE B.
LEE IN SUPPORT OF
STIPULATION OF PLAINTIFFS
AND DEFENDANT BRACCO
DIAGNOSTICS INC. TO EXTEND
DEFENDANT'S TIME TO PLEAD**

DECLARATION OF AGGIE B. LEE IN SUPPORT OF STIPULATION OF
PLAINTIFFS AND DEFENDANT BRACCO DIAGNOSTICS INC.
TO EXTEND DEFENDANT'S TIME TO PLEAD CV-08-1831 EMC

DECLARATION OF AGGIE B. LEE

I, Aggie B. Lee, declare as follows:

1. I am an attorney at law duly authorized to practice before the courts of the State of California and I am an associate with the law firm of Tucker Ellis & West LLP, attorneys for Defendant Bracco Diagnostics Inc. ("BDI"). I have personal knowledge of all of the facts attested to in this declaration and could competently testify thereto if called as a witness in any legal proceeding.

2. On March 5, 2008, Plaintiffs Carol Moorhouse and James Moorhouse ("Plaintiffs") filed a complaint in the Superior Court of California, San Francisco County captioned as *Carol Moorhouse, et al. v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, Case No. CGC-08-472878.

3. After service of this Complaint, this case was removed to United States District Court for the Northern District of California, San Francisco Division, Case No. CV08-1831-EMC. BDI consented to such removal.

4. This lawsuit involves allegations that Plaintiff Carol Moorhouse contracted nephrogenic systemic fibrosis as a result of exposure to gadolinium-based M.R.I. contrasts allegedly manufactured by BDI and the other named defendants.

5. On or about April 8, 2008, counsel for BDI met and conferred with counsel for Plaintiffs regarding the status of the action.

6. Plaintiffs' counsel informed counsel for BDI that Plaintiffs intend to file a motion to remand the case to San Francisco County Superior Court.

7. BDI intends to file a response to Plaintiffs' motion to remand, if any such motion is in fact filed.

8. On April 7, 2008, Defendants General Electric Company and GE Healthcare Inc. informed BDI that they intend to file an Application to Stay All Proceedings Pending Transfer to MDL to stay proceedings in this case pending

2.

DECLARATION OF AGGIE B. LEE IN SUPPORT OF STIPULATION OF
PLAINTIFFS AND DEFENDANT BRACCO DIAGNOSTICS INC. TO EXTEND
DEFENDANT'S TIME TO PLEAD CV-08-1831 EMC

1 transfer to the designated Multidistrict Litigation Court—the United States District
2 Court for the Northern District of Ohio, for inclusion in MDL 1909; *In re*
3 *Gadolinium Contrast Dyes Product Liability Litigation*.

4 9. Plaintiffs' counsel agreed to an extension for BDI to file an Answer or
5 otherwise respond to Plaintiffs' Complaint for Damages in the above captioned
6 matter from April 11, 2008, to 15 days after any federal judge enters an order on
7 the motion to remand, if such order remands this case back to California state
8 court.

9 10. If, however, this case remains in federal court and is transferred to the
10 United States District Court for the Northern District of Ohio, for inclusion in
11 MDL 1909, BDI's date to Answer or otherwise respond to Plaintiffs' Civil
12 Complaint shall be determined by any Case Management Orders issued by the
13 Honorable Dan A. Polster of the United States District Court, Northern District of
14 Ohio, the court designated by the Judicial Panel on Multi District Litigation for
15 MDL 1909: *In re Gadolinium Contrast Dyes Product Liability Litigation*.

16 10. Good cause for this continuance exists due to Plaintiffs' stated
17 intention to move to remand this matter, as well as Defendants General Electric
18 Company and GE Healthcare Inc.'s stated intent to file a Motion for Stay pending
19 transfer to MDL 1909: *In re Gadolinium Contrast Dyes Product Liability*
20 *Litigation*.

21 I declare under penalty of perjury under the laws of the State of California
22 that the foregoing is true and correct and that this declaration is executed by me on
23 this 11th day of April, 2008, in Los Angeles, California.

24 /s/ Aggie B. Lee
25 Aggie B. Lee

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28 3.

DECLARATION OF AGGIE B. LEE IN SUPPORT OF STIPULATION OF
PLAINTIFFS AND DEFENDANT BRACCO DIAGNOSTICS INC. TO EXTEND
DEFENDANT'S TIME TO PLEAD CV-08-1831 EMC